

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**UNITED STATES OF AMERICA** )  
 )  
 )  
 )  
**v.** ) **Case No. 2:20CR00017**  
 )  
 )  
 )  
**SAMUEL SILVA** )

**NOTIC OF INTENT TO INTRODUCE EVIDENCE**

Comes now, the United States, by undersigned counsel, and notifies the defendant of its intent to introduce evidence at the trial of the defendant.

Specifically, the government intends on introducing evidence of the defendant's membership in the Syndicato de Nuevo Mexico ("SNM"), a prison gang originally founded in New Mexico, and the interaction of said gang and its members with other gangs in the Bureau of Prisons. The purpose of this evidence would be to provide context to, and the basis for, the defendant's statements that the murder of Abraham Aldana, a member of another gang, was related to gang activity and that it was ordered or sanctioned by other higher level gang authorities. Additionally, this evidence will help the jury understand that because the murder was authorized through the gang hierarchy of which the defendant was part of, there was no retaliation on the defendant or other members of the SNM from other gangs as a result of the murder.

As such, this evidence is intrinsic evidence that is relevant and admissible and does not fall under the limitations of Fed. R. Evid. 404(b). *See United States v. Bush*, 944 F.3d 189, 195–96 (4th Cir. 2019); *United States v. Santiago*, 344 F. App'x 847, 850 (4th Cir. 2009). Because this evidence is intrinsic and does not fall under Fed. R. Evid. 404(b), notice of the government's intent

to introduce such evidence is not required by the court's scheduling order, however, out of an abundance of caution, the government provides notice of its intent to introduce such evidence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, March 14, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

/s/ Zachary T. Lee  
Assistant United States Attorney